

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
ANA MILAGROS CUEVAS, as Administrator of the
Estate of REYNALDO JULIO CUEVAS, and on behalf
of his infant child, J [REDACTED] N [REDACTED] C [REDACTED] P [REDACTED],

Index No.:

COMPLAINT

Plaintiffs,

-against-

THE CITY OF NEW YORK, THE NEW YORK CITY
POLICE DEPARTMENT, POLICE OFFICER
RAMYSH BANGALI and JOHN AND JANE DOES-
Police Officers as yet unidentified,

Defendants.
-----X

Plaintiffs, by their attorneys, RUBENSTEIN & RYNECKI, ESQS., complaining of the
defendants herein, upon information and belief, respectfully show to this Court, and allege as
follows:

**AS AND FOR A FIRST CAUSE OF ACTION FOR ASSAULT AND BATTERY
ON BEHALF OF ANA MILAGROS CUEVAS, AS ADMINISTRATOR OF
THE ESTATES OF REYNALDO JULIO CUEVAS AND ON BEHALF OF
HIS INFANT CHILD, [REDACTED]**

1. That at all times hereinafter mentioned, plaintiff decedent, REYNALDO JULIO CUEVAS, was a resident of the County of Bronx, City and State of New York.
2. That at all times hereinafter mentioned, plaintiff ANA MILAGROS CUEVAS, was and still is a resident of the County of Bronx, City and State of New York.
3. ANA MILAGROS CUEVAS, was the Mother of the plaintiff decedent, REYNALDO JULIO CUEVAS, and was appointed Administrator of the goods, chattels, credits of decedent, REYNALDO JULIO CUEVAS, by order of the Honorable Nelida Malave-Gonzalez, Surrogate of Bronx County by the order of the court dated February 15, 2013.
4. That all times hereinafter mentioned, the defendant, THE CITY OF NEW YORK, was and still is a municipal corporation, duly organized and existing pursuant to the laws of the State of New York.

5. That the defendant, THE CITY OF NEW YORK, maintains a police force known as the NEW YORK CITY POLICE DEPARTMENT.

6. That prior hereto on March 4, 2013, and within the time prescribed by law, a sworn Notice of Claim stating, among other things, the time when and place where the injuries and damages were sustained, together with plaintiff's demands for adjustment or payment thereof, and that thereafter the CITY OF NEW YORK refused or neglected for more than (30) days and up to the commencement of this action to make any adjustment or payment thereof, and that thereafter, and within the time provided by law, this action was commenced.

7. That on April 12, 2013, pursuant to the General Municipal Law, a Statutory 50-H hearing of the plaintiff, ANA MILAGROS CUEVAS, was held.

8. That on September 7, 2012, and at all times hereinafter mentioned and upon information and belief, defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, employed POLICE OFFICER RAMYSH BANGALI and JOHN AND JANE DOES-Police Officers as yet unidentified as agents, servants and/or employees.

9. That on September 7, 2012, and at all times hereinafter mentioned and upon information and belief, the plaintiff decedent, REYNALDO JULIO CUEVAS, was lawfully present at the premises known as Aneurys Deli Grocery, 1299 Franklin Avenue, County of Bronx, City and State of New York.

10. That on September 7, 2012 and at all times hereinafter mentioned and upon information and belief, plaintiff decedent, REYNALDO JULIO CUEVAS, was shot without reason or provocation, by the defendant, POLICE OFFICER RAMYSH BANGALI, acting as a police officer and as an agent, servant and/or employee of the defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT.

11. The aforementioned shooting was performed knowingly, intentionally and wilfully.

12. The aforementioned shooting was performed without reason or provocation.

13. That the aforementioned shooting was performed negligently, carelessly and recklessly.

14. That the police officers involved in this incident who committed the aforementioned shooting on the plaintiff decedent, REYNALDO JULIO CUEVAS, were acting within their scope of employment with the defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT.

15. That the shooting of the plaintiff decedent, REYNALDO JULIO CUEVAS, was without probable cause.

16. By reason of said assault and battery and shooting the plaintiff decedent, REYNALDO JULIO CUEVAS, was caused to suffer severe physical injuries and pain and suffering resulting in death, including pre-death pain and suffering; emotional and psychological distress and horror.

17. By reason of the foregoing, the plaintiff, ANA MILAGROS CUEVAS, as Administrator of the Estate of REYNALDO JULIO CUEVAS, and ANA MILAGROS CUEVAS, individually, demands judgment for assault and battery against defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, including, but not limited to defendants, POLICE OFFICER RAMYSH BANGALI and JOHN AND JANE DOES- Police Officers as yet unidentified.

**AS AND FOR A SECOND CAUSE OF ACTION FOR NEGLIGENCE
ON BEHALF OF ANA MILAGROS CUEVAS, AS ADMINISTRATOR
OF THE ESTATES OF REYNALDO JULIO CUEVAS, AND ON
BEHALF OF IS INFANT CHILD [REDACTED]**

18. That at all times hereinafter mentioned, plaintiff repeats, reiterates and realleges each and every allegation contained in the paragraphs of this Complaint designated as "1" - "17" herein, as though more fully set forth herein at length.

19. That said incident and the injuries resulting therefrom were caused solely by the negligence, carelessness, and recklessness of defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, through their agents, servants, employees and the

police officers involved, defendants, POLICE OFFICER RAMYSH BANGALI and JOHN AND JANE DOES-Police Officers as yet unidentified, both directly and vicariously.

20. Such negligence consisted of negligence in training, hiring, supervision and retention of the police officers/detectives involved in this incident; in failing to observe the existing police department protocols for police officers/detectives designed to govern the use of deadly lethal force causing the serious injuries both physical and emotional resulting in death, discrimination arising and resulting out of a shooting of the plaintiff and further; in failing to use care in the performance of police duties as reasonably prudent and careful police officers would have used in similar circumstances; in hiring and retaining persons who were unfit to serve as police officers/detectives; failing to properly investigate their background; in failing to train and instruct police officers/detectives, especially regarding the abuse of power while in the field; in failing to give police officers/detectives proper instructions in the use of force, use of firearms including proper discharge of said weapons; in their training and instruction, more specifically with regards to their training as to the use of firearms in public; improperly supervised police officers/detectives in the field, including the police officers/detectives as well as in the staffing, administration and processing of persons suspected of violation of the criminal laws of the State of New York which allowed the shooting of the plaintiff, decedent, REYNALDO JULIO CUEVAS, which resulted in the death of the plaintiff, REYNALDO JULIO CUEVAS.

21. The defendants, THE CITY OF NEW YORK NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, through their agents, servants, employees and the police officers involved, defendants, POLICE OFFICER RAMYSH BANGALI and JOHN AND JANE DOES-Police Officers as yet unidentified, were negligent, reckless and careless in shooting the plaintiff decedent, REYNALDO JULIO CUEVAS.

22. As the result of said negligence, the plaintiff decedent, REYNALDO JULIO CUEVAS, was caused to suffer severe physical injuries and pain and suffering resulting in death, including pre-death pain and suffering; emotional and psychological distress and horror.

23. The defendants, THE CITY OF NEW YORK NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, through their agents, servants, employees, POLICE OFFICER RAMYSH BANGALI and JOHN AND JANE DOES-Police Officers as yet unidentified, were further negligent, reckless and careless in that after shooting the plaintiff decedent, REYNALDO JULIO CUEVAS, and realizing he was not a criminal, they failed to give him proper/timely medical care and assistance.

24. By reason of the foregoing, the plaintiff, ANA MILAGROS CUEVAS, as Administrator of the Estate of REYNALDO JULIO CUEVAS, and on behalf of his infant child, [REDACTED] demands judgment for negligence against defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, including, but not limited to defendants, , POLICE OFFICER RAMYSH BANGALI and JOHN AND JANE DOES-Police Officers as yet unidentified.

**AS AND FOR A THIRD CAUSE OF ACTION FOR NEGLIGENT HIRING
AND RETENTION ON BEHALF OF ANA MILAGROS CUEVAS, AS
ADMINISTRATOR OF THE ESTATES OF REYNALDO JULIO CUEVAS,
AND ON BEHALF OF HIS INFANT CHILD, [REDACTED]**

25. That at all times hereinafter mentioned, plaintiff repeats, reiterates and realleges each and every allegation contained in the paragraphs of this Complaint designated as "1" - "24" herein, as though more fully set forth herein at length.

26. The defendants, THE CITY OF NEW YORK NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, did not exercise reasonable care and diligence in the selection, engagement, employment and training of agents, servants and/or employees and were negligent in the hiring, training and retention of defendants, POLICE OFFICER RAMYSH BANGALI and JOHN AND JANE DOES-Police Officers as yet unidentified, so as to cause the death of REYNALDO JULIO CUEVAS.

27. That upon information and belief the defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, had prior knowledge of the

inappropriate, and improper conduct of the defendants, POLICE OFFICER RAMYSH BANGALI and JOHN AND JANE DOES-Police Officers as yet unidentified, and continued to employ them and allowed them to be in contact with the public at large.

28. By reason of the foregoing, the plaintiff, ANA MILAGROS CUEVAS, as Administrator of the Estate of REYNALDO JULIO CUEVAS, and on behalf of his infant child, [REDACTED] demands judgment for negligent hiring and retention against defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, including, but not limited to defendants, POLICE OFFICER RAMYSH BANGALI and JOHN AND JANE DOES-Police Officers as yet unidentified.

AS AND FOR A FOURTH CAUSE OF ACTION FOR NEGLIGENT HIRING AND TRAINING ON BEHALF OF ANA MILAGROS CUEVAS, AS ADMINISTRATOR OF THE ESTATES OF REYNALDO JULIO CUEVAS, AND ON BEHALF OF HIS INFANT CHILD, [REDACTED]

29. That at all times hereinafter mentioned, plaintiff repeats, reiterates and realleges each and every allegation contained in the paragraphs of this Complaint designated as "1" through "28" herein, as though more fully set forth herein at length.

30. That defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, were responsible for hiring and training, ratifying and permitting the employees, agents and/or servants including, but not limited to POLICE OFFICER RAMYSH BANGALI and JOHN AND JANE DOES-Police Officers as yet unidentified, so as to cause the death of REYNALDO JULIO CUEVAS, at the premises known as Aneurys Deli Grocery, 1299 Franklin Avenue, County of Bronx, City and State of New York.

31. That defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, were negligent, reckless and careless in the hiring and training of their employee, agent and/or servant, and including but not limited to POLICE OFFICER RAMYSH BANGALI and JOHN AND JANE DOES-Police Officers as yet unidentified, herein.

32. That defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, were negligent in the training of police officers with regard to use of force, use and discharge of weapons and responding to the scene of a possible criminal activity in progress such negligent training resulted in the death of REYNALDO JULIO CUEVAS, at the premises known as Aneurys Deli Grocery, 1299 Franklin Avenue, County of Bronx, City and State of New York.

33. That as a result of the defendants' negligence as aforesaid, the plaintiff, ANA MILAGROS CUEVAS, as Administrator of the Estate of REYNALDO JULIO CUEVAS, and on behalf of his infant child, [REDACTED] demands judgment for negligent hiring and retention against defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, including, but not limited to defendants, POLICE OFFICER RAMYSH BANGALI and JOHN AND JANE DOES-Police Officers as yet unidentified.

**AS AND FOR A FIFTH CAUSE OF ACTION FOR WRONGFUL DEATH
ON BEHALF OF ANA MILAGROS CUEVAS, AS ADMINISTRATOR OF
THE ESTATES OF REYNALDO JULIO CUEVAS, AND ON BEHALF
OF HIS INFANT CHILD, [REDACTED]**

34. That at all times hereinafter mentioned, plaintiff repeats, reiterates and realleges each and every allegation contained in the paragraphs of this Complaint designated as "1" - "33" herein, as though more fully set forth herein at length.

35. That on September 7, 2012 the plaintiff decedent, REYNALDO JULIO CUEVAS, was lawfully at the aforesaid address when he was caused to be shot resulting in his death, by defendant, POLICE OFFICER RAMYSH BANGALI.

36. That the shooting of the plaintiff decedent, REYNALDO JULIO CUEVAS, was without probable cause.

37. The aforementioned shooting was performed knowingly, intentionally and willfully.

38. The aforementioned shooting was performed negligently, carelessly and recklessly.

39. The aforementioned shooting was performed without reason or provocation.

40. The aforementioned shooting resulted in the death of the plaintiff decedent, REYNALDO JULIO CUEVAS.

41. That at all times hereinafter mentioned, defendants, POLICE OFFICER RAMYSH BANGALI and JOHN AND JANE DOES-Police Officers as yet unidentified, engaged in the actions and conduct alleged herein in their official capacity as New York City Police Officers and under the color and authority of State law, regulation, ordinance, custom, and usage.

42. By reason of the foregoing, the plaintiff, ANA MILAGROS CUEVAS, as Administrator of the Estate of REYNALDO JULIO CUEVAS, and on behalf of his infant child, [REDACTED] demands judgment for wrongful death against defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, including, but not limited to defendants, POLICE OFFICER RAMYSH BANGALI and JOHN AND JANE DOES-Police Officers as yet unidentified.

**AS AND FOR A SIXTH CAUSE OF ACTION FOR LOSS OF
SERVICES ON BEHALF OF ANA MILAGROS CUEVAS, AS MOTHER
AND NATURAL GUARDIAN, OF THE DECEDENT REYNALDO JULIO CUEVAS**

43. That at all times hereinafter mentioned, plaintiff repeats, reiterates and realleges each and every allegation contained in the paragraphs of this Complaint designated as "1" - "42" herein, as though more fully set forth herein at length.

44. That at all times hereinafter mentioned, the plaintiff, ANA MILAGROS CUEVAS, was the lawful Mother and Natural Guardian of the plaintiff decedent, REYNALDO JULIO CUEVAS, and as such plaintiff, ANA MILAGROS CUEVAS, was entitled to the society and services of the plaintiff decedent, REYNALDO JULIO CUEVAS.

45. By reason of the afore-described negligence of the defendants, the plaintiff, ANA MILAGROS CUEVAS, was deprived of the society and services of the plaintiff decedent, REYNALDO JULIO CUEVAS, and shall forever be deprived of said society and services.

46. As a result of the afore-described negligence, the plaintiff, ANA MILAGROS CUEVAS, expended diverse sums of money in payment of the expenses incurred for funeral expenses, burial costs, medical care, treatment and hospitalization for the plaintiff decedent, REYNALDO JULIO CUEVAS.

47. By reason of the foregoing, the plaintiffs, ANA MILAGROS CUEVAS, as Administrator of the Estate of REYNALDO JULIO CUEVAS, demands judgment for loss of services against defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, including, but not limited to defendants, POLICE OFFICER RAMYSH BANGALI and JOHN AND JANE DOES-Police Officers as yet unidentified.

**AS AND FOR A SEVENTH CAUSE OF ACTION FOR LOSS OF
SERVICES ON BEHALF OF [REDACTED]
INFANT CHILD OF THE DECEDENT REYNALDO JULIO CUEVAS**

48. That at all times hereinafter mentioned, plaintiff repeats, reiterates and realleges each and every allegation contained in the paragraphs of this Complaint designated as "1" - "47" herein, as though more fully set forth herein at length.

49. That at all times hereinafter mentioned, the plaintiff, [REDACTED] was the daughter of the plaintiff decedent, REYNALDO JULIO CUEVAS, and as such plaintiff, [REDACTED], was entitled to the services, society, comfort and affection of the plaintiff decedent, REYNALDO JULIO CUEVAS.

50. By reason of the afore-described negligence of the defendants, the plaintiff, [REDACTED] was deprived of the society and services of his father and shall forever be deprived of said society and services.

51. As a result of the defendants' negligence resulting in the plaintiff decedent, REYNALDO JULIO CUEVAS the plaintiff, [REDACTED] has been deprived of the services, society and support of his father forever.

52. That by reason of the foregoing negligence on the part of the defendants, the plaintiff, ANA MILAGROS CUEVAS, as Administrator of the Estate of REYNALDO JULIO

CUEVAS, demands judgment on behalf of the infant plaintiff [REDACTED]
[REDACTED] for loss of services, society, comfort, affection of her Father, REYNALDO JULIO CUEVAS, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

AS AND FOR AN EIGHTH CAUSE OF ACTION FOR LOSS OF GUIDANCE ON BEHALF OF [REDACTED] INFANT CHILD OF THE DECEDENT REYNALDO JULIO CUEVAS

53. That at all times hereinafter mentioned, plaintiff repeats, reiterates and realleges each and every allegation contained in the paragraphs of this Complaint designated as "1" - "52" herein, as though more fully set forth herein at length.

54. At all times hereinafter mentioned, the infant plaintiff, [REDACTED]
[REDACTED] was the daughter of the plaintiff decedent, REYNALDO JULIO CUEVAS, who provided support, maintenance parental nurture and care, and the physical, moral and intellectual training and guidance prior to this occurrence.

55. As a result of the defendants' negligence, the infant plaintiff, [REDACTED]
[REDACTED] has been deprived of the support, maintenance, parental nurture and care, the physical, moral and intellectual training and guidance of his father forever.

56. That by reason of the foregoing negligence on the part of the defendants, the plaintiff, ANA MILAGROS CUEVAS, as Administrator of the Estate of REYNALDO JULIO CUEVAS, demands judgment for loss of guidance, support, maintenance parental nurture and care, and the physical, moral and intellectual training on behalf of the infant plaintiff, [REDACTED]
[REDACTED] for loss of services, society, comfort, affection of her Father, REYNALDO JULIO CUEVAS, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

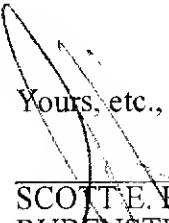
WHEREFORE, plaintiff, ANA MILAGROS CUEVAS, as Administrator of the Estate of REYNALDO JULIO CUEVAS, deceased, and on behalf of his infant child, [REDACTED]
[REDACTED] for **assault and battery**, demands judgment both compensatory and exemplary

in an amount exceeding the jurisdictional limits of all lower Courts on the **First** Cause of Action; plaintiff, ANA MILAGROS CUEVAS, as Administrator of the Estate of REYNALDO JULIO CUEVAS, deceased, and on behalf of his infant child, [REDACTED] for **negligence**, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts, on the **Second** Cause of Action; plaintiff, ANA MILAGROS CUEVAS, as Administrator of the Estate of REYNALDO JULIO CUEVAS, deceased, and on behalf of his infant child, [REDACTED] for **negligent hiring and retention**, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts, on the **Third** Cause of Action; [REDACTED] for **negligent hiring and training**, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts, on the **Fourth** Cause of Action; plaintiff, ANA MILAGROS CUEVAS, as Administrator of the Estate of REYNALDO JULIO CUEVAS, deceased, and on behalf of his infant child, [REDACTED] for **wrongful death**, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **Fifth** Cause of Action; plaintiff, ANA MILAGROS CUEVAS, as Administrator of the Estate of REYNALDO JULIO CUEVAS, deceased, for **loss of services**, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts, on the **Sixth** Cause of Action; plaintiff, [REDACTED] infant child of Father and Natural Guardian decedent, REYNALDO JULIO CUEVAS, for **loss of services**, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **Seventh** Cause of Action; plaintiff, [REDACTED] infant child of Father and Natural Guardian decedent, REYNALDO JULIO CUEVAS, for **loss of guidance**, demands judgment both compensatory and exemplary in an amount exceeding the

jurisdictional limits of all lower Courts on the **Eighth** Cause of Action; together with attorneys' fees and the costs and disbursements of this action.

DATED: Brooklyn, New York
August 6, 2013

Yours, etc.,



SCOTT E. RYNECKI, ESQ.
RUBENSTEIN & RYNECKI, ESQS.
Attorneys for Plaintiffs
16 Court Street Suite 1717
Brooklyn, New York 11241
(718) 522-1020
File No.: 12RC09-07

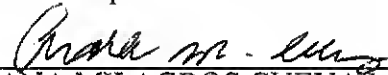
INDIVIDUAL VERIFICATION

STATE OF NEW YORK)

) SS:

COUNTY OF KINGS)

ANA MILAGROS CUEVAS, as Administrator of the Estate of REYNALDO JULIO CUEVAS, being duly sworn, deposes and says, that deponent is the plaintiff in the within action; that deponent has read the foregoing **COMPLAINT** and knows the contents hereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters deponent believes them to be true.


ANA MILAGROS CUEVAS

Sworn to before me this 19th
day of August, 2013


NOTARY PUBLIC

MAGDA MARIN-COLON
Notary Public, State of New York
No. 01MA6158891
Qualified in Richmond County
Commission Expires 1-16-20 15